

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**TIERA PERRY,** :  
:  
Plaintiff, : **MEMORANDUM AND ORDER**  
:  
– against – : 20-CV-2180 (AMD) (PK)  
:  
**HIGH LEVEL DEVELOPMENT** :  
**CONTRACTING AND SECURITY LLC and** :  
**SHELDON MIDDLETON,** :  
:  
Defendants.

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**ANN M. DONNELLY**, United States District Judge:

On May 13, 2020, the plaintiff commenced this action against the defendants pursuant to the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) for unpaid minimum and overtime wages, as well as for wage notice, wage statement and retaliation damages. (ECF No. 1.) She moved for default judgment on September 27, 2021. (ECF No. 28.)

On March 16, 2022, Magistrate Judge Peggy Kuo issued a Report and Recommendation in which she recommended that the motion for default judgment be granted. (ECF No. 31.) Judge Kuo determined that the plaintiff sufficiently established the defendants’ “liability for failure to pay overtime under both the FLSA and the NYLL” (*id.* at 14), and “a claim of retaliation under the FLSA and NYLL.” (*Id.* at 17.) She also found that the defendants violated “NYLL §§ 195(1) and 195(3), the statute’s wage notice and statement provisions.” (*Id.* at 14.) Judge Kuo recommended that the following damages be awarded:

- \$4,295.00 for unpaid overtime;
- \$4,295.00 for liquidated damages for unpaid overtime;
- \$5,000.00 for failure to provide wage notices;
- \$5,000.00 for failure to provide wage statements;
- \$63,525.00 for back pay for retaliation, plus \$825 per week from September 14, 2021 to the date judgment is entered;
- \$63,525.00 for liquidated damages for retaliation;
- \$3,802.50 for attorney fees; and
- \$764.25 for costs.

(*Id.* at 28.) In addition, she recommended that the plaintiff “be granted prejudgment interest . . . at the rate of \$1.06 per day from June 29, 2019 through the entry of judgment, post-judgment interest at the statutory rate, and a fifteen-percent increase penalty if damages under the NYLL are not paid within ninety days of judgment or the expiration of time to appeal.” (*Id.*) Finally, Judge Kuo recommended that the defendants “be found jointly and severally liable for the damages awarded.” (*Id.* at 27.) No objections have been filed to the Report and Recommendation, and the time for doing so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

I have reviewed Judge Kuo's comprehensive and well-reasoned Report and Recommendation and find no error. Accordingly, I adopt the Report and Recommendation in its entirety. The motion for default judgment is granted. The Clerk of Court is respectfully directed to mail a copy of this order to the defendants and close this case.

**SO ORDERED.**

s/Ann M. Donnelly

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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
April 5, 2022